

Order

Michigan Supreme Court
Lansing, Michigan

July 9, 2009

Marilyn Kelly,
Chief Justice

138416

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 138416
COA: 275509
Kent CC: 05-0012474-FC

EDWIN GREGORIO LARIO-MUNOZ,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 15, 2009 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REINSTATE the ruling of the Kent Circuit Court granting the defendant a new trial. The Court of Appeals erred by finding that the circuit court abused its discretion in deciding to grant the motion for a new trial. *People v Blackston*, 481 Mich 451, 460 (2008). The ruling on the motion did not fall outside the principled range of outcomes. *People v Babcock*, 469 Mich 247, 269 (2003).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 9, 2009

Corbin R. Davis

Clerk